

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

DANIEL JAY GREER,

Petitioner,

v.

**Civil Action No. 5:19cv141
(Judge Stamp)**

FREDERICK ENTZEL,

Respondent.

ORDER DISMISSING CASE FOLLOWING NOTICE OF INTENT TO DISMISS

On April 4, 2019, the *pro se* Petitioner, Daniel Jay Greear, an inmate at FCI Gilmer in Glenville, West Virginia, filed this petition for habeas corpus pursuant to 28 U.S.C. § 2241. ECF No. 1. The petition was not on a court-approved form. For administrative purposes, the Clerk of Court docketed the petition as a § 2241 action and sent him a Notice of Deficient Pleading and Intent to Dismiss, advising him that the instant action would be dismissed within thirty days because he had not complied with the Local Rules of Prisoner Litigation Procedure, which require that all initiating documents be on court-approved forms. ECF No. 2. The Notice further advised the Petitioner that if he wished to pursue his claim, he would be required to refile his petition on the court-approved form which was provided to him along with the Notice. Id. The Notice was sent via certified mail, return receipt requested. A review of the docket indicates that the Notice was received and signed for at FCI Gilmer on April 8, 2019. ECF No. 4.

On April 5, 2019, the Petitioner paid the \$5 filing fee. ECF No. 3.

On April 15, 2019, the Petitioner refiled his § 2241 petition on the court-approved form and it has been assigned Civil Action No. 3:19cv56. The Clerk is **DIRECTED** to apply the \$5.00 fee paid in the above-styled action to the Petitioner's new case. Pursuant to the

terms of the Notification, this action is hereby **DISMISSED** and all matters relating to the instant § 2241 petition shall proceed in Civil Action No. 3:19cv56.

IT IS SO ORDERED.

The Clerk of Court is **DIRECTED** to mail a copy of this Order to the Petitioner by certified mail, return receipt requested, to his last known address as reflected on the docket.

DATED: April 16, 2019

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE